

BEFORE THE BOARD OF MEDICAL EXAMINERS
OF THE STATE OF NEVADA

* * * * *

In The Matter of Charges and)
Complaint Against)
BRUCE LEONARD GINIER, M.D.,)
Respondent.)

Case No. 11-27882-1

FILED

JUL 12 2011

NEVADA STATE BOARD OF
MEDICAL EXAMINERS
By: 

COMPLAINT

The Investigative Committee of the Nevada State Board of Medical Examiners, comprised at the time of authorizing the filing of this complaint, Charles N. Held, M.D., Chairman, Theodore B. Berndt, M.D., Member, and Valerie J. Clark, BSN, RHU, LUTCF, Member, by and through Bradley O. Van Ry, Deputy General Counsel, having a reasonable basis to believe that Bruce Leonard Ginier, M.D., hereinafter referred to as "Respondent", has violated the provisions of NRS Chapter 630, hereby issues its formal Complaint, stating the Investigative Committee's charges and allegations, as follows:

1. Respondent is currently licensed is suspended non pay status (License No. 10573), and has been so licensed since July 15, 2003 by the Nevada State Board of Medical Examiners pursuant to the provisions of Chapter 630 of the Nevada Revised Statutes.

2. Respondent was licensed to practice medicine in the state of California on January 23, 1989.

3. On November 18, 2010, the California Medical Board filed a three-count Accusation against Respondent alleging that Respondent engaged in various forms of unprofessional conduct. See Exhibit "1".

4. On January 17, 2011, in lieu of formal disciplinary proceedings, Respondent entered into a Stipulated Settlement and Disciplinary order with the California Medical Board that

1 was accepted, authorized and became effective on April 13, 2011. Multiple courses of education
2 were required for Respondent as well as other conditions including revocation of
3 Respondent's medical license along with a stay of revocation with three (3) years probation.
4 See Exhibit "2".

5 **Count I**

6 5. All of the above allegations in the foregoing paragraphs are hereby incorporated as if
7 fully set forth herein.

8 6. Nevada Revised Statute Section 630.301(3) provides that any disciplinary action,
9 including, without limitation, the revocation, suspension, modification or limitation of a license to
10 practice any type of medicine, taken by another state is grounds for initiating discipline against a
11 licensee.

12 7. The disciplinary action by California related to Respondent's license to practice
13 medicine in the state of California and therefore constitutes a violation of the provisions of
14 NRS 630.301(3).

15 8. By reason of the foregoing, Respondent is subject to discipline by the
16 Nevada State Board of Medical Examiners as provided in Section 630.352 of the
17 Nevada Revised Statutes.

18 **WHEREFORE**, the Investigative Committee prays:

19 1. That the Nevada State Board of Medical Examiners give Respondent notice of the
20 charges herein against him and give him notice that he may file an answer to the Complaint herein
21 as set forth in Section 630.339 of the Nevada Revised Statutes within twenty (20) days of service
22 of the Complaint.

23 2. That the Nevada State Board of Medical Examiners set a time and place for a
24 formal hearing after holding an Early Case Conference pursuant to NRS 630.339(3);

25 3. That the Nevada State Board of Medical Examiners determine what sanctions it
26 determines to impose if it determines there has been a violation or violations of the
27 Medical Practice Act (Nevada Revised Statutes Chapter 630) committed by Respondent; and

28 4. That the Nevada State Board of Medical Examiners make, issue and serve on

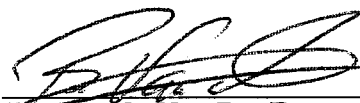
Respondent its findings of facts, conclusions of law and order, in writing, that includes the sanctions imposed; and

5. That the Nevada State Board of Medical Examiners take such other and further action as may be just and proper in these premises.

DATED this 12th day of July, 2011.

INVESTIGATIVE COMMITTEE OF THE
NEVADA STATE BOARD OF MEDICAL EXAMINERS

By:



Bradley O. Van Ry, Esq.

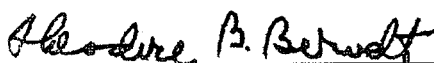
Attorney for the Investigative Committee

VERIFICATION

STATE OF NEVADA)
: ss.
COUNTY OF WASHOE)

Theodore B. Berndt, M.D., hereby deposes and states under penalty of perjury under the laws of the state of Nevada that he is the Chairman of the Investigative Committee of the Nevada State Board of Medical Examiners that authorized the foregoing Complaint against the Respondent herein; that he has read the foregoing Complaint; and that based upon information discovered during the course of the investigation into a complaint against Respondent, that he believes the allegations and charges in the foregoing Complaint against Respondent are true, accurate, and correct.

Dated this 12th day of July, 2011.

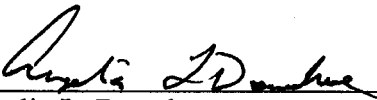

Theodore B. Berndt, M.D.

CERTIFICATE OF MAILING

I hereby certify that I am employed by Nevada State Board of Medical Examiners and that on 12th day of July 2011, I served a file copy of the COMPLAINT, SETTLEMENT LETTER & FINGERPRINT INFORMATION, by mailing via USPS certified mail to the following:

Bruce Leonard Ginier, M.D.
9913 North Sedona
Fresno, CA 93720

Dated this 12th day of July 2011.



Angelia L. Donohoe
Legal Assistant

Exhibit

1

1 EDMUND G. BROWN JR.
Attorney General of California
2 KLINT JAMES MCKAY
Deputy Attorney General
3 State Bar No. 120881
300 South Spring Street, Suite 1702
4 Los Angeles, California 90013
Telephone: (213) 576-1327
5 Facsimile: (213) 897-9395
Attorneys for Complainant

FILED
STATE OF CALIFORNIA
MEDICAL BOARD OF CALIFORNIA
SACRAMENTO NOVEMBER 18 20 10
BY: K. MONTALBANO ANALYST

7 **BEFORE THE**
8 **MEDICAL BOARD OF CALIFORNIA**
9 **DEPARTMENT OF CONSUMER AFFAIRS**
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. 08-2009-198352

12 BRUCE LEONARD GINIER, M.D.
13 9913 North Sedona Circle
Fresno, California 93720

ACCUSATION

14 Physician's and Surgeon's Certificate A 45708,
15 Respondent.

16
17 Complainant alleges:

18 **PARTIES**

19 1. Linda K. Whitney (Complainant) brings this Accusation solely in her official capacity
20 as Executive Director of the Medical Board of California.

21 2. On or about January 23, 1989, the Board issued Physician's and Surgeon's Certificate
22 number A 45708 to Bruce Leonard Ginier, M.D. (Respondent). This license was in full force and
23 effect at all times relevant to the charges brought herein and will expire on September 30, 2012,
24 unless renewed.

25 ///

26 ///

27 ///

28 ///

1 **JURISDICTION**

2 3. This Accusation is brought before Medical Board of California ("Board") under the
3 authority of the following laws. All section references are to the Business and Professions Code
4 unless otherwise indicated.
5

6 **STATUTORY PROVISIONS**

7 4. Section 2227 of the Code states:

8 "(a) A licensee whose matter has been heard by an administrative law judge of the
9 Medical Quality Hearing Panel as designated in Section 11371 of the Government Code, or
10 whose default has been entered, and who is found guilty, or who has entered into a stipulation for
11 disciplinary action with the division¹, may, in accordance with the provisions of this chapter:

12 (1) Have his or her license revoked upon order of the division.

13 (2) Have his or her right to practice suspended for a period not to exceed one year upon
14 order of the division.

15 (3) Be placed on probation and be required to pay the costs of probation monitoring upon
16 order of the division.

17 (4) Be publicly reprimanded by the division.

18 (5) Have any other action taken in relation to discipline as part of an order of probation,
19 as the division or an administrative law judge may deem proper.

20 (b) Any matter heard pursuant to subdivision (a), except for warning letters, medical
21 review or advisory conferences, professional competency examinations, continuing education
22 activities, and cost reimbursement associated therewith that are agreed to with the division and
23 successfully completed by the licensee, or other matters made confidential or privileged by
24

25
26 ¹ California Business and Professions Code section 2002, as amended and effective
27 January 1, 2008, provides that, unless otherwise expressly provided, the term "board" as used in
28 the State Medical Practice Act (Cal. Bus. & Prof. Code, §§2000, et seq.) means the "Medical
Board of California," and references to the "Division of Medical Quality" and "Division of
Licensing" in the Act or any other provision of law shall be deemed to refer to the Board.

1 existing law, is deemed public, and shall be made available to the public by the board pursuant to
2 Section 803.1.”

3 5. Section 2228 of the Code states:

4 “The authority of the board or a division of the board or the California Board of Podiatric
5 Medicine to discipline a licensee by placing him or her on probation includes, but is not limited
6 to, the following:

7 (a) Requiring the licensee to obtain additional professional training and to pass an
8 examination upon the completion of the training. The examination may be written or oral, or
9 both, and may be a practical or clinical examination, or both, at the option of the board or division
10 or the administrative law judge.

11 (b) Requiring the licensee to submit to a complete diagnostic examination by one or more
12 physicians and surgeons appointed by the division. If an examination is ordered, the board or
13 division shall receive and consider any other report of a complete diagnostic examination given
14 by one or more physicians and surgeons of the licensee’s choice.

15 (c) Restricting or limiting the extent, scope, or type of practice of the licensee, including
16 requiring notice to applicable patients that the licensee is unable to perform the indicated
17 treatment, where appropriate.

18 (d) Providing the option of alternative community service in cases other than violations
19 relating to quality of care, as defined by the Division of Medical Quality.”

20 6. Section 2234 of the Code states:

21 “The Division of Medical Quality shall take action against any licensee who is charged with
22 unprofessional conduct. In addition to other provisions of this article, unprofessional conduct
23 includes, but is not limited to, the following:

24 “(a) Violating or attempting to violate, directly or indirectly, assisting in or abetting the
25 violation of, or conspiring to violate any provision of this chapter [Chapter 5 of the Medical
26 Practice Act].

27 “(b) Gross negligence.
28

1 “(c) Repeated negligent acts. To be repeated, there must be two or more negligent acts or
2 omissions. An initial negligent act or omission followed by a separate and distinct departure from
3 the applicable standard of care shall constitute repeated negligent acts.

4 “(1) An initial negligent diagnosis followed by an act or omission medically appropriate
5 for that negligent diagnosis of the patient shall constitute a single negligent act.

6 “(2) When the standard of care requires a change in the diagnosis, act, or omission that
7 constitutes the negligent act described in paragraph (1), including, but not limited to, a
8 reevaluation of the diagnosis or a change in treatment, and the licensee’s conduct departs from the
9 applicable standard of care, each departure constitutes a separate and distinct breach of the
10 standard of care.

11 “(d) Incompetence.

12 “(e) The commission of any act involving dishonesty or corruption which is substantially
13 related to the qualifications, functions, or duties of a physician and surgeon.

14 “(f) Any action or conduct which would have warranted the denial of a certificate.”

15 7. Section 2239 of the Code states:

16 “(a) The use or prescribing for or administering to himself or herself, of any controlled
17 substance; or the use of any of the dangerous drugs specified in Section 4022, or of alcoholic
18 beverages, to the extent, or in such a manner as to be dangerous or injurious to the licensee, or to
19 any other person or to the public, or to the extent that such use impairs the ability of the licensee
20 to practice medicine safely or more than one misdemeanor or any felony involving the use,
21 consumption, or self-administration of any of the substances referred to in this section, or any
22 combination thereof, constitutes unprofessional conduct. The record of the conviction is
23 conclusive evidence of such unprofessional conduct.

24 “(b) A plea or verdict of guilty or a conviction following a plea of nolo contendere is
25 deemed to be a conviction within the meaning of this section. The Division of Medical Quality
26 may order discipline of the licensee in accordance with Section 2227 or the Division of Licensing
27 may order the denial of the license when the time for appeal has elapsed or the judgment of
28 conviction has been affirmed on appeal or when an order granting probation is made suspending

1 imposition of sentence, irrespective of a subsequent order under the provisions of Section 1203.4
2 of the Penal Code allowing such person to withdraw his or her plea of guilty and to enter a plea of
3 not guilty, or setting aside the verdict of guilty, or dismissing the accusation, complaint,
4 information, or indictment.”

5
6 **FIRST CAUSE FOR DISCIPLINE**

(Dishonesty)

7 8. Respondent is subject to disciplinary action under Business and Professions Code
8 section 2234(e) for the commission of acts involving dishonesty which are substantially related to
9 the qualifications, functions or duties of a physician, to wit, self-prescription of medications by
10 forging the names of other physicians. The facts and circumstances are that on or about June 6,
11 2007, October 26, 2007, and October 28, 2007, Respondent forged the signature of physician
12 Leyla Azmoun on three prescriptions for Ambien and Provigil. On or about December 30, 2007,
13 Respondent forged the name of physician Kenneth Krone on a prescription for Ambien. >

14
15 **SECOND CAUSE FOR DISCIPLINE**

(Gross Negligence)

16 9. The conduct set forth in the First Cause for Discipline constituted grossly negligent
17 conduct and was an extreme departure from the standard of care within the meaning of Code
18 section 2234(b).

19 **THIRD CAUSE FOR DISCIPLINE**

(Self Prescribing)

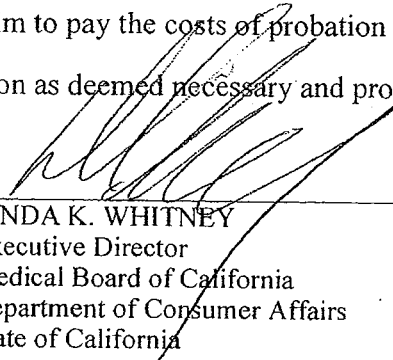
20 10. The Respondent has further subjected his certificate to disciplinary action under
21 Business and Professions Code section 2239 by prescribing to himself a controlled substance.
22 The circumstances are that on or about March 25, 2007, Respondent prescribed Ambien to
23 himself. >

24
25 **PRAYER**

26 **WHEREFORE**, Complainant requests that a hearing be held on the matters herein
27 alleged, and that following the hearing, the Medical Board of California issue a decision:
28

1. Revoking or suspending Physician & Surgeon's Certificate number A 45708, issued to Bruce Leonard Ginier, M.D.;
2. Revoking, suspending or denying approval of his authority to supervise physician assistants, pursuant to Section 3527 of the Code;
3. If placed on probation, ordering him to pay the costs of probation monitoring; and
4. Taking such other and further action as deemed necessary and proper.

DATED: November 18, 2010


LINDA K. WHITNEY
Executive Director
Medical Board of California
Department of Consumer Affairs
State of California

Complainant

LA2010504424
Accusation 1.0.doc

Exhibit

2

BEFORE THE
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against:)

BRUCE LEONARD GINIER, M.D.)

File No. 08-2009-198352

Physician's and Surgeon's)
Certificate No. A 45708)

Respondent.)

DECISION

The attached Stipulated Settlement and Disciplinary Order is hereby adopted as the Decision and Order of the Medical Board of California, Department of Consumer Affairs, State of California.

This Decision shall become effective at 5:00 p.m. on April 13, 2011.

IT IS SO ORDERED March 14, 2011.

MEDICAL BOARD OF CALIFORNIA

By: Shelton Duruisseau
Shelton Duruisseau, Ph.D., Chair
Panel A

1 KAMALA D. HARRIS
Attorney General of California
2 KLINT JAMES MCKAY
Deputy Attorney General
3 State Bar No. 120881
300 South Spring Street, Suite 1702
4 Los Angeles, California 90013
Telephone: (213) 576-1327
5 Facsimile: (213) 897-9395
Attorneys for Complainant
6

7 **BEFORE THE**
8 **MEDICAL BOARD OF CALIFORNIA**
9 **DEPARTMENT OF CONSUMER AFFAIRS**
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. 08-2009-198352

12 **BRUCE LEONARD GINIER, M.D.**
13 **9913 North Sedona Circle**
Fresno, California 93720

OAH Case No. 2010120067

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

14 Physician and Surgeon's Certificate A 45708,
15
16 Respondent.

17
18 In the interest of a prompt and speedy settlement of this matter, consistent with the public
19 interest and the responsibility of the Medical Board of California of the Department of Consumer
20 Affairs ("Board"), the parties hereby agree to the following Stipulated Settlement and
21 Disciplinary Order which will be submitted to the Board for approval and adoption as the final
22 disposition of the Accusation.

23 **PARTIES**

24 1. Linda K. Whitney ("Complainant") is the Executive Director of the Board, and
25 the Complainant in this matter. Ms. Whitney brought this action solely in her official capacity
26 and is represented in this matter by Kamala D. Harris, Attorney General of the State of California,
27 by Klint James McKay, Deputy Attorney General.
28

2. Respondent Bruce Leonard Ginier, ("Respondent") is represented in this proceeding by George L. Strasser, Baker, Manock & Jensen, 5260 N. Palm Ave., Suite 421, Fresno, California 93704 Telephone (559) 432-5400, Facsimile (559) 432-5620.

3. On or about January 23, 1989, the Board issued Physician and Surgeon's Certificate No. A 45708 to Respondent; it will expire on September 30, 2012, unless renewed. At all times relevant, it was in full force and effect.

JURISDICTION

4. Accusation No. 08-2009-198352 was filed before the Board, and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent on November 18, 2010. Respondent timely filed his Notice of Defense contesting the Accusation. A copy of Accusation No. 08-2009-198352 is attached as Exhibit A and incorporated herein by reference.

ADVISEMENT AND WAIVERS

5. Respondent has carefully read, has been given the opportunity to fully discuss the provisions hereof with counsel if he so desired, and understands the charges and allegations in Accusation No. 08-2009-198352. Respondent has also carefully read, has been given the opportunity to fully discuss the provisions hereof with counsel if he so desired, and understands the effects of this Stipulated Settlement and Disciplinary Order.

6. Respondent is fully aware of his legal rights in this matter, including the right to a hearing on the charges and allegations in the Accusation; the right to be represented by counsel at his own expense; the right to confront and cross-examine the witnesses against him; the right to present evidence and to testify on his own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.

Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

///

CULPABILITY

7. Respondent understands and agrees that the charges and allegations in Accusation No. 08-2009-198352, if proven at a hearing, constitute cause for imposing discipline upon his Physician's and Surgeon's Certificate,

8. For the purpose of resolving the Accusation without the expense and uncertainty of further proceedings, Respondent agrees that, at a hearing, Complainant could establish a factual basis for the charges in the Accusation, and that Respondent hereby gives up his right to contest those charges.

9. Respondent agrees that if, in the future, a new accusation is filed against him before the Board, all of the charges and allegations contained in Accusation No. 08-2009-198352 shall be deemed true, correct and fully admitted by respondent for purposes of any such proceeding or any other licensing proceeding involving respondent in the State of California.

10. This Stipulated Settlement and Disciplinary Order is intended by the parties herein to be an integrated writing representing the complete, final and exclusive embodiment of the agreements of the parties in the above-entitled matter.

11. Respondent agrees that his Physician and Surgeon's Certificate is subject to discipline and he agrees to be bound by the Board's imposition of discipline as set forth in the Disciplinary Order below.

CONTINGENCY

12. This Stipulation shall be subject to approval by the Board. Respondent understands and agrees that counsel for Complainant and the staff of the Board may communicate directly with the Board regarding this Stipulation and settlement, without notice to or participation by Respondent or his counsel. By signing the Stipulation, Respondent understands and agrees that he may not withdraw his agreement or seek to rescind the Stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this Stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not be disqualified from further action by having considered this matter.

1 13. The parties understand and agree that facsimile copies of this Stipulated
2 Settlement and Disciplinary Order, including facsimile signatures thereon, shall have the same
3 force and effect as the originals.

4 In consideration of the foregoing admissions and Stipulations, the parties agree
5 that the Board may, without further notice or formal proceeding, issue and enter the following
6 Disciplinary Order.

7 **DISCIPLINARY ORDER**

8 IT IS HEREBY ORDERED that Physician and Surgeon's Certificate No. A
9 45708 issued to Respondent is revoked. However, the revocation is stayed and Respondent is
10 placed on probation for three (3) years from the effective date of the Board Order adopting this
11 Stipulation.

12 A. EDUCATION COURSE

13 Within 60 calendar days of the effective date of this Decision, and on an annual basis
14 thereafter, respondent shall submit to the Board or its designee for its prior approval educational
15 program(s) or course(s) which shall not be less than 40 hours per year, for each year of probation.

16 The educational program(s) or course(s) shall be aimed at correcting any areas of deficient
17 practice or knowledge and shall be Category I certified, limited to classroom, conference, or
18 seminar settings. The educational program(s) or course(s) shall be at respondent's expense and
19 shall be in addition to the Continuing Medical Education (CME) requirements for renewal of
20 licensure.

21 Following the completion of each course, the Board or its designee may administer an
22 examination to test respondent's knowledge of the course. Respondent shall provide proof of
23 attendance for 65 hours of CME of which 40 hours were in satisfaction of this condition.

24 B. PRESCRIBING PRACTICES COURSE

25 Within 60 calendar days of the effective date of this Decision, respondent shall enroll in a
26 course in prescribing practices, at respondent's expense, approved in advance by the Board or its
27 designee. Failure to successfully complete the course during the first 6 months of probation is a
28 violation of probation.

1 A prescribing practices course taken after the acts that gave rise to the charges in the
2 Accusation, but prior to the effective date of the Decision may, in the sole discretion of the Board
3 or its designee, be accepted towards the fulfillment of this condition if the course would have
4 been approved by the Board or its designee had the course been taken after the effective date of
5 this Decision. Respondent shall submit a certification of successful completion to the Board or its
6 designee not later than 15 calendar days after successfully completing the course, or not later than
7 15 calendar days after the effective date of the Decision, whichever is later.

8 C. ETHICS COURSE

9 Within 60 calendar days of the effective date of this Decision, respondent shall enroll in a
10 course in ethics, at respondent's expense, approved in advance by the Board or its designee.
11 Failure to successfully complete the course during the first year of probation is a violation of
12 probation. An ethics course taken after the acts that gave rise to the charges in the Accusation,
13 but prior to the effective date of the Decision may, in the sole discretion of the Board or its
14 designee, be accepted towards the fulfillment of this condition if the course would have been
15 approved by the Board or its designee had the course been taken after the effective date of this
16 Decision.

17 Respondent shall submit a certification of successful completion to the Board or its
18 designee not later than 15 calendar days after successfully completing the course, or not later than
19 15 calendar days after the effective date of the Decision, whichever is later.

20 D. NOTIFICATION Prior to engaging in the practice of medicine, the Respondent shall
21 provide a true copy of the Decision and Accusation to the Chief of Staff or the Chief Executive
22 Officer at every hospital where privileges or membership are extended to Respondent, at any
23 other facility where Respondent engages in the practice of medicine, including all physician and
24 locum tenens registries or other similar agencies, and to the Chief Executive Officer at every
25 insurance carrier which extends malpractice insurance coverage to Respondent. Respondent
26 shall submit proof of compliance to the Board or its designee within 15 calendar days.

27 This condition shall apply to any change(s) in hospitals, other facilities or
28 insurance carrier.

1 E. SUPERVISION OF PHYSICIAN ASSISTANTS During probation, Respondent is
2 prohibited from supervising physician assistants.

3 F. OBEY ALL LAWS Respondent shall obey all federal, state and local laws, all rules
4 governing the practice of medicine in California, and remain in full compliance with any court
5 ordered criminal probation, payments and other orders.

6 G. QUARTERLY DECLARATIONS Respondent shall submit quarterly declarations
7 under penalty of perjury on forms provided by the Board, stating whether there has been
8 compliance with all the conditions of probation. Respondent shall submit quarterly declarations
9 not later than 10 calendar days after the end of the preceding quarter.

10 H. PROBATION UNIT COMPLIANCE

11 i) Respondent shall comply with the Board's probation unit. Respondent shall, at
12 all times, keep the Board informed of Respondent's business and residence addresses. Changes
13 of such addresses shall be immediately communicated in writing to the Board or its designee.
14 Under no circumstances shall a post office box serve as an address of record, except as allowed
15 by Business and Professions Code section 2021(b).

16 ii) Respondent shall not engage in the practice of medicine in Respondent's place
17 of residence. Respondent shall maintain a current and renewed California physician's and
18 surgeon's license.

19 (iii) Respondent shall immediately inform the Board, or its designee, in writing, of
20 travel to any areas outside the jurisdiction of California which lasts, or is contemplated to last,
21 more than 30 calendar days.

22 I. INTERVIEW WITH THE BOARD OR ITS DESIGNEE Respondent shall be
23 available in person for interviews either at Respondent's place of business or at the probation unit
24 office, with the Board or its designee, upon request at various intervals, and either with or without
25 prior notice throughout the term of probation.

26 J. RESIDING OR PRACTICING OUT-OF-STATE

27 i) In the event Respondent should leave the State of California to reside or to
28 practice, Respondent shall notify the Board or its designee in writing 30 calendar days prior to the

1 dates of departure and return. Non-practice is defined as any period of time exceeding 30
2 calendar days in which Respondent is not engaging in any activities defined in Sections 2051 and
3 2052 of the Business and Professions Code.

4 ii) All time spent in an intensive training program outside the State of California
5 which has been approved by the Board or its designee shall be considered as time spent in the
6 practice of medicine within the State. A Board-ordered suspension of practice shall not be
7 considered as a period of non-practice.

8 iii) Periods of temporary or permanent residence or practice outside California will
9 not apply to the reduction of the probationary term. Periods of temporary or permanent residence
10 or practice outside California will relieve Respondent of the responsibility to comply with the
11 probationary terms and conditions with the exception of this condition and the following terms
12 and conditions of probation: Obey All Laws; Probation Unit Compliance; and Cost Recovery.

13 iv) Respondent's license shall be automatically cancelled if Respondent's periods
14 of temporary or permanent residence or practice outside California total two years. However,
15 Respondent's license shall not be cancelled as long as Respondent is residing and practicing
16 medicine in another state of the United States and is on active probation with the medical
17 licensing authority of that state, in which case the two year period shall begin on the date
18 probation is completed or terminated in that state.

19 K. FAILURE TO PRACTICE MEDICINE - CALIFORNIA RESIDENT

20 i) In the event Respondent resides in the State of California and for any reason
21 Respondent stops practicing medicine in California, Respondent shall notify the Board or its
22 designee in writing within 30 calendar days prior to the dates of non-practice and return to
23 practice.

24 ii) Any period of non-practice within California, as defined in this condition, will
25 not apply to the reduction of the probationary term and does not relieve Respondent of the
26 responsibility to comply with the terms and conditions of probation. Non-practice is defined as
27 any period of time exceeding 30 calendar days in which Respondent is not engaging in any
28 activities defined in sections 2051 and 2052 of the Business and Professions Code.

1 iii) All time spent in an intensive training program which has been approved by the
2 Board or its designee shall be considered time spent in the practice of medicine. For purposes of
3 this condition, non-practice due to a Board-ordered suspension or in compliance with any other
4 condition of probation, shall not be considered a period of non-practice.

5 iv) Respondent's license shall be automatically canceled if Respondent resides in
6 California and for a total of two years, fails to engage in California in any of the activities
7 described in Business and Professions Code sections 2051 and 2052.

8 L. COMPLETION OF PROBATION Respondent shall comply with all financial
9 obligations (e.g., cost recovery, restitution, probation costs) not later than 120 calendar days prior
10 to the completion of probation. Upon successful completion of probation, Respondent's
11 certificate shall be fully restored.

12 M. VIOLATION OF PROBATION Failure to fully comply with any term or condition
13 of probation is a violation of probation. If Respondent violates probation in any respect, the
14 Board, after giving Respondent notice and the opportunity to be heard, may revoke probation and
15 carry out the disciplinary order that was stayed. If an Accusation, Petition to Revoke Probation,
16 or an Interim Suspension Order is filed against Respondent during probation, the Board shall have
17 continuing jurisdiction until the matter is final, and the period of probation shall be extended until
18 the matter is final.

19 N. LICENSE SURRENDER

20 i) Following the effective date of this Decision, if Respondent ceases practicing
21 due to retirement, health reasons or is otherwise unable to satisfy the terms and conditions of
22 probation, Respondent may request the voluntary surrender of Respondent's license.

23 ii) The Board reserves the right to evaluate Respondent's request and to exercise
24 its discretion whether or not to grant the request, or to take any other action deemed appropriate
25 and reasonable under the circumstances.

26 iii) Upon formal acceptance of the surrender, Respondent shall within 15 calendar
27 days deliver Respondent's wallet and wall certificate to the Board or its designee and Respondent
28 shall no longer practice medicine. Respondent will no longer be subject to the terms and

1 conditions of probation and the surrender of Respondent's license shall be deemed disciplinary
2 action.

3 iv) If Respondent re-applies for a medical license, the application shall be treated
4 as a petition for reinstatement of a revoked certificate.

5 O. PROBATION MONITORING COSTS Respondent shall pay the costs associated
6 with probation monitoring each and every year of probation, as designated by the Board, which
7 may be adjusted on an annual basis. Such costs shall be payable to the Medical Board of
8 California and delivered to the Board or its designee no later than January 31 of each calendar
9 year. Failure to pay costs within 30 calendar days of the due date is a violation of probation.

10 ACCEPTANCE

11 I have carefully read the above Stipulated Settlement and Disciplinary
12 Order and have been given the opportunity to fully discuss it with an attorney. I understand the
13 Stipulation and the effect it will have on my Physician and Surgeon's Certificate. I enter into this
14 Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree
15 to be bound by the Decision and Order of the Medical Board of California.

16 DATED: 1/17/11

Bruce Leonard Ginier
17 BRUCE LEONARD GINIER, M.D., Respondent

18 I have read and fully discussed the terms and conditions and other matters
19 contained in the above Stipulated Settlement and Disciplinary Order with Respondent Bruce
20 Leonard Ginier, M.D. I approve its form and content.

21
22 DATED: 1/17/11

George L. Strasser
23 GEORGE L. STRASSER,
24 Attorney for Respondent
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ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Medical Board of California of the Department of Consumer Affairs.

DATED: 25 January, 2011

Kamala D. Harris, Attorney General
of the State of California

By: 

KLINT JAMES McKAY,
Deputy Attorney General,
Attorneys for Complainant

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Exhibit A
Accusation No. 08-2009-198352

08-2009-198352
Stipulation.rtf